

**TO:** Mayor and Board of Trustees  
**FROM:** Village Administrator Steve Stricker and Staff  
**SUBJECT:** Regular Meeting of January 23, 2012  
**DATE:** January 20, 2012

**PLEDGE OF ALLEGIANCE – Mariah Carli, Pleasantdale Middle School**

**6. ORDINANCES**

**7. RESOLUTIONS**

**A. Include Taxable Allowances in IMRF Earnings**

In December 2011, the Illinois Municipal Retirement Fund (IMRF) performed an employer compliance audit. The purpose of the audit is to verify that the employer is in compliance with statutes, policies and procedures. The Village was found in compliance with IMRF. One housekeeping item IMRF would like the Village to address is the need for a Resolution to be kept on file for car allowances that are included as taxable earnings. The Village has properly withheld the employee and employer taxes over the years, but IMRF needs the Resolution on file stating the taxable earnings of this allowance. Attached please find the standard IMRF Resolution.

**It is our recommendation:** that the Resolution be adopted.

**B. MFT Funds for the 2012 Road Program**

Attached please find a Resolution regarding Motor Fuel Tax (MFT) funding for the Year 2012 Road Program. This Resolution declares the Year 2012 Road Program as an MFT project and allows the Village to appropriate an allotment of MFT funds for construction of the Road Program.

**It is our recommendation:** that the Resolution be adopted.

**8. CONSIDERATIONS**

**A. Amend Covenants for Savoy Club**

At its last meeting, the Board continued its consideration of amendments to the Savoy Club Declaration of Covenants. There were several changes to the covenants requested by the Village Attorney and the six residents of Savoy Club asked for more time to review the changes.

Attached is a redlined copy of the amended covenants. The redlines indicate the changes made since the last Board meeting. The changes accurately reflect the recommendations of the Village Attorney.

The potential buyer, Pulte Homebuilders, met with the residents on January 19, 2012. It is our understanding that the residents support the approval of the amendments and that a letter of support will be provided.

There were several issues raised at the last Board meeting including the following: (1) The residents questioned whether the subdivision was to be age restricted or age targeted. It is Pulte's intent that it be age targeted. The residents understand and we are told do not object. The Village zoning of the property does not require that it be age targeted or age restricted. (2) The residents were concerned about paragraph 10.12 in the amended covenants. With the changes recommended by the Village Attorney, this language is much more limiting and staff is not aware of any further objections to this amendment. (3) The residents continue to be concerned about the HOA budget but understand that the current budget proposed by Pulte is a draft and is subject to change. It appears that the residents have a better understanding of the budget and are willing to support the amendments with the understanding that the budget will be subject to further negotiations between the existing residents and Pulte. The HOA budget is not part of the proposed amendments and is not subject to Village review or approval. (4) In response to a staff summary of issues, Pulte has agreed to complete all of the punch list provided by the Village at its own cost (with nothing being paid from the HOA budget) and has agreed to conduct the pond maintenance program as per Village requirements beginning in the spring of this year.

The resolution of the above issues and other issues are detailed in the redlined copy of the amendment to the Declaration and in the January 17 letter from Pulte (which responds to the January 10 fax from Doug Pollock).

**It is our recommendation:** that the amendments to the Savoy Club Declaration of Covenants be approved.

**B. Plan Commission Recommendation – Rezone Babson Park West**

Please find attached a letter from the Plan Commission recommending the rezoning of the recently annexed Babson Park West properties from the R-1 District to the R-3 District. Upon annexation, all properties are automatically zoned to the R-1 District and require rezoning to conform the zoning to existing conditions.

At the hearing, there was one resident from within the area being rezoned and one resident from outside the area. They were both concerned about the impact of annexation and rezoning relative to the permitted floor area ratio. However, whether the property is rezoned to R-3 or another applicable Burr Ridge residential district, the permitted floor area would

remain the same (0.2 FAR).

The proposed lots are generally smaller than the 20,000 square foot requirement of the R-3 District. However, Burr Ridge does not have a zoning district that allows lots smaller than 20,000 square feet. Most of the lots being rezoned are 12,000 to 15,000 square feet. However, all existing lots of record are grandfathered and are considered buildable lots by the Zoning Ordinance. Existing structures are also grandfathered but cannot be replaced nor can new structures be built without full compliance with the Burr Ridge Zoning Ordinance.

**It is our recommendation:** that the Board concurs with the Plan Commission and directs staff to prepare an Ordinance rezoning these properties to the R-3 District.

**C. Plan Commission Recommendation – Restaurant Hours of Operation**

Please find attached a letter from the Plan Commission recommending amendments to the Zoning Ordinance modifying the permitted hours of operation for restaurants and other businesses with liquor licenses in the Business Districts. The intent is to establish uniform hours of operation for sales of alcoholic beverages and related food service.

Current regulations limit restaurants to a 10 pm closing (12 Midnight in the Village Center) unless a special use is granted. Most restaurants have received special use approvals to extend their hours beyond the established limits. There currently are no specific regulations pertaining to when food service must be provided for restaurants with liquor licenses.

All restaurant operators in the Village and the homeowners associations in the Burr Ridge Village Center were notified of the hearing. In addition, Village staff held a meeting with the restaurant operators on January 5, 2012. Almost all restaurants were represented at the January 5 meeting but there were no restaurant operators and only one resident at the January 16 public hearing. The resident attending the public hearing spoke in favor of extending the restaurant hours.

The Plan Commission first considered establishing the following regulations:

- 12 midnight for closing on Sundays through Thursdays;
- 1 am on Fridays and Saturdays;
- A special permit to be issued by the Liquor Commissioner for extending the weekend hours to 2 AM for special events; and
- Requiring food service up to one hour before closing.

During the discussion of these options, Commissioners noted that a

couple of the restaurants were already allowed to stay open to 1 AM on Thursdays (Capri and Dao) and that Thursdays have become a popular night out. There was also concern that it would be difficult to remain fair and consistent by allowing the 2 AM weekend closing by special permission only. Instead, it was suggested to allow the 2 AM weekend closing for all restaurants without special permission from the Village.

Based on the above considerations, the Plan Commission voted unanimously to recommend an amendment to the Zoning Ordinance to establish the following regulations restaurants:

- To require restaurants with liquor licenses to close by:
  - 12 midnight on Sundays through Wednesdays;
  - 1 AM on Thursdays; and
  - 2 AM on Fridays and Saturdays.
- And to require food service, either a full menu or a limited bar menu, to be provided up to one hour before closing.

**It is our recommendation:** that the Board concurs with the Plan Commission and directs staff to prepare an Ordinance amending the Zoning Ordinance as recommended.

**D. Street Policy Committee Recommendation – 2012 Road Program**

The annual road program objectives are identified based upon the biennial street rating survey as well as coordination with grant funded projects. Each year, engineering staff evaluate alternatives in order to identify a program which:

- Maintains the Village roadways in a sound condition,
- Complies with budgetary and financial constraints,
- Provides equity to taxpayers.

Paul May, Director of Public Works, will present the proposed 2012 Road Program at the Village Board meeting on January 23, 2012. Detailed analysis of the 2012 capital program, can be found on the following page.

**It is our recommendation:** that the Village Board approves the 2012 Road Program, as prepared by staff and recommended by the Street Policy Committee.

**E. Fill Vacant Police Officer Position**

This issue was tabled from the November 28 meeting. Although the budget will be extremely tight again this year, both Police Chief John Madden and I are recommending that the Village Board authorize the Board of Fire and Police Commissioners to fill this vacant position. The BFPC is finalizing its new Eligibility List, which will become effective on January 25, 2012. The next Police Academy begins on April 2, 2012, and

Chief Madden would like to have the new Officer in that Academy. I have once again attached Chief Madden's report on this subject.

**It is our recommendation:** that the Village Board authorize the Board of Fire and Police Commissioners to fill the vacant Police Officer position when their new list becomes effective.

**F. Open Meetings Act Electronic Training**

Mayor Grasso asked that this item be placed on the agenda for discussion. As mentioned in the Miscellaneous Memo of January 13, all elected and appointed officials are required by State law to participate in electronic training on the Open Meetings Act. This training must be completed before January 1, 2013. You can access the training, which should take approximately 50 minutes to complete, at:

[http://foia.ilattorneygeneral.net/electronic\\_foia\\_training.aspx](http://foia.ilattorneygeneral.net/electronic_foia_training.aspx)

**G. Community Survey Q&A**

This is a new item that will be placed on the agenda for the next several months. Mayor Grasso will present community-asked questions and answers that were generated through the recent Community Survey. The questions and answers will then be placed on our website.

**H. IDOT Motor Fuel Tax Fund Audit – 2010**

Attached is a compliance audit for the Motor Fuel Tax Fund. The Illinois Department of Transportation periodically performs an audit on various years of financial records of the Motor Fuel Tax Fund. There were no findings from the financial audit, with all entries and records being true and correct.

**It is our recommendation:** that the 2010 IDOT Motor Fuel Tax Fund Audit be received and filed.

**I. Grant Funding Agreement with State of Illinois**

I am pleased to report that the Village has received notification of a \$100,000 grant award from the Illinois Department of Commerce and Economic Opportunity, which the Village applied for in January, 2011.

This grant is unique when compared to standard federal grants, as it can be applied toward any portion of the Village's 2012 Capital Program. Federal grants such as STP/ITEP/CMAQ can only be applied toward roadways that are classified as Federal Aid Routes (which are typically arterial or collector roadways). As a result there are very few funding sources that can be applied to the bulk of the annual road program, which primarily consist of local roads for which the use of federal funding is prohibited.

Since there is no such limitation on these funds, this grant will result in a direct offset of costs that were anticipated as a function of the proposed 2012 Road Program. Please see attached the grant documentation which must be authorized by the Mayor and processed through the State.

**It is our recommendation:** that the Mayor be authorized to sign the required documents to receive the IDCEO grant award.

**J. Contract for Emergency Generator Maintenance**

The FY 2011-12 Budget includes \$3,230.00 for annual maintenance of the Village Hall, Police Station, and DPW emergency stand-by generators. These vital pieces of equipment must be maintained to the highest standards to assure complete reliability and functionality.

The total proposed annual cost of the contracts is \$3,322.60 for preventative maintenance on these generators. This agreement consists of two (2) visits per year and includes the cost for replacement of all oil, lubricants and filters. Cummins NPower of the Hodgkins (Cummins Illinois branch) has been performing this work for the Village for many years and is the only local company that has the certification to perform the recommended maintenance functions and also provide 24 hour emergency service in a manner that does not waive the warranty.

The service locations and costs for the 2012 season include the following:

Police Station generator: \$ 1,590.00

Village Hall generator: \$ 866.30

DPW Generator: \$ 866.30

**It is our recommendation:** that a contract be awarded to Cummins NPower for maintenance of the Police, Village Hall and Public Works generators in the amount of \$3,322.60 per year.

**K. Contract for Landscape Maintenance Services**

The median and gateway landscaping contract expired in 2011. In order to ensure that the service level and aesthetics continue to improve, Public Works has updated the specifications and solicited bids for this work. This contract is funded through the Hotel-Motel Tax Fund.

Work under this contract will include the following services, for a two year contract term (April 1 – November 1, 2012 – 2013):

- Maintenance of three (3) County Line Road Medians
- Maintenance of three (3) Primary Gateways

- Maintenance of six (6) Secondary Gateways
- Maintenance of the “Four Corners” landscaping (corners of Burr Ridge Parkway and County Line Road)
- Monthly mowing of the I-55/County Line Road interchange
- Supplemental work: Due to the fact that this contract deals with live material, it often becomes necessary to have the contractor undertake supplemental work (repairs following traffic accidents, replacement of diseased plant material, enhancements prior to special events). In order to coordinate these activities, the contract includes a provision for supplemental work.

The solicitation for bids was advertised in the local newspaper, and eight qualified bidders were directly contacted by the Village. Three bidders attended the mandatory pre-bid meeting, and three bids were received. The Village has met with the low bidder, Landworks, Ltd, and has checked references to ensure that the expected quality of work can be provided. The Village finds that the low-bid contractor is competent and capable of performing the work at the proposed price. Landworks Ltd is a locally owned company. A summary of the bid proposals is as follows:

<b><u>Contractor</u></b>	<b><u>Proposed Annual Cost</u></b>
Clarence Davids	\$ 63,697
The TLC Group	\$ 47,125
Landworks, Ltd.	\$ 43,277

**It is our recommendation:** that a two-year contract be authorized with Landworks Ltd, of Bolingbrook, for Landscape Maintenance Services in the amount of \$43,277 per year, plus supplemental services in accordance with the contractor labor and material schedule. The contract will be funded by the Hotel-Motel fund.

**L. Approval of Vendor List**

Enclosed is the Vendor List in the amount of \$175,250.87 for all funds, plus \$198,408.61 for payroll, for a grand total of \$373,659.48.

**It is our recommendation:** that the Vendor List be approved.